



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANTS: James J. Benedict, § GROUP ART UNIT:
John P. Raniere, §
Marsha L. Whitney §
§
SERIAL NO.: 09/748,038 §
§
FILED: December 22, 2000 §
§
FOR: Method of Promoting Natural Bypass (CIP) §

INFORMATION DISCLOSURE STATEMENT

Atty. Dkt. No.: 1779-00206

Date: July 24, 2001

Commissioner for Patents
Washington, D. C. 20231

Sir:

This Information Disclosure Statement, including completed Form PTO-1449, comprises a list of pertinent art of which Applicants are aware. A copy of each publication listed on Form PTO-1449 is enclosed herewith.

Consideration of the following related applications and additional information (including any relevant co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

Application 09/173,989 dated October 16, 1998, entitled "Protein Mixtures to Induce Therapeutic Angiogenesis".

Pursuant to 37 C.F.R. § 1.98 (d), copies of any patent, publication, pending U.S. application or other information, as specified in 37 C.F.R. § 1.98 (a), listed in the attached information disclosure statement and Form PTO-1449 are not provided herewith, as they have been previously submitted to, or cited by, the Office in earlier U.S. Patent Application No. 09/173,989. The present application claims the benefit of the effective filing date of that earlier application. The Information Disclosure Statement filed in that earlier application complies with 37 C.F.R. § 1.98 (a)-(c).

The submission of this Information Disclosure Statement and the references submitted therewith is not an admission that the art cited is "prior" with respect to the present invention, nor is it a representation, that no better art exists. Applicants hereby reserve the right to swear behind or otherwise disprove any alleged "prior" nature of any art cited should the facts support and the situation warrant

such an action. It is submitted that the art cited does not constitute a bar to the patentability of Applicants' invention under 35 U.S.C. § 102 or § 103.

No Office Action has been received in the present application. Nonetheless, in the event that an Office Action dated prior to the mailing date of this Information Disclosure Statement has been issued, please charge Deposit Account 03-2769, Conley, Rose & Tayon, P.C., in the amount of \$180, so that this Information Disclosure Statement may be considered under Rule 1.97(c).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marcella D. Watkins", is written over a horizontal line.

Marcella D. Watkins

Reg. No. 36,962

Conley, Rose & Tayon, P.C.

P. O. Box 3267

Houston, Texas 77253-3267

(713) 238-8000

ATTORNEY FOR APPLICANT

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Applicant
James J. Benedict et alFiling Date
December 22, 2000

Group

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	4529590	07/16/85	<i>LeVeen et al</i>	424	95	
	AB	4699788	10/13/87	<i>Catsimpoolis et al</i>	424	104	
*	AC	4863732	09/05/89	<i>Nathan et al</i>	424	95	
	AD	4895838	01/23/90	<i>McCluer et al</i>	514	54	
	AE	4900673	02/13/90	<i>Harper et al</i>	435	199	
*	AF	5270300	12/14/93	<i>Hunziker</i>	514	12	
	AG	5290763	03/01/94	<i>Poser et al</i>	514	21	
	AH	5318957	06/07/94	<i>Cid et al</i>	514	8	
*	AI	5328695	07/12/94	<i>Luvas et al</i>	424	426	
	AJ	5371191	12/06/94	<i>Poser et al</i>	530	350	
*	AK	5459047	10/17/95	<i>Wozney et al</i>	435	69.1	
*	AL	5470831	11/28/95	<i>Whitman et al</i>	514	16	
*	AM	5543394	08/06/96	<i>Wozney et al</i>	514	12	
	AN	5563124	10/08/96	<i>Damien et al</i>	514	21	
*	AO	5631142	05/20/97	<i>Wang et al.</i>	435	69.1	
*	AP	5635372	06/03/97	<i>Celeste et al.</i>	435	69.1	
*	AQ	5637480	06/10/97	<i>Celeste et al.</i>	435	69.4	
*	AR	5661007	08/26/97	<i>Wozney et al.</i>	435	69.4	
*	AS	5703043	12/30/97	<i>Celeste et al.</i>	514	12	
*	AT	5728679	03/17/98	<i>Celeste et al.</i>	514	12	
*	AU	5846770	12/08/98	<i>LaVallie et al.</i>	435	69.1	
*	AV	5849880	12/15/98	<i>Wozney et al.</i>	530	399	
*	AW	5854207	12/29/98	<i>Lee et al.</i>	514	2	
*	AX	5866364	02/02/99	<i>Israel et al.</i>	435	69.1	
*	AY	5902785	05/11/99	<i>Hattersley et al.</i>	514	2	
*	AZ	5932216	08/03/99	<i>Celeste et al.</i>	424	158.1	
*	BA	5965403	10/12/99	<i>Celeste et al.</i>	435	69.4	
*	BB	5972884	10/26/99	<i>Cohen et al.</i>	514	12	
	BC	6211157 B1	04/03/01	<i>Benedict et al</i>	514	21	

* Previously Submitted

Form PTO-1449 (Modified)				Atty. Docket No. 1779-00206		Serial No. 09/748,038	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				Applicant James J. Benedict et al			
				Filing Date December 22, 2000		Group	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation YES NO
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	BD	B. Schumacher, et al, "Induction of Neoangiogenesis in Ischemic Myocardium by Human Growth Factors", Clinical Investigation and Reports, American Heart Association 645-650 (1998)					
	BE	Jamie P. Levine, et al, " Bone Morphogenetic Protein Promotes Vascularization and Osteoinduction in Preformed Hydroxyapatite in the Rabbit", Annals of Plastic Surgery, Vol. 39, 158-168 (1997)					
	BF	Hidetoshi Yamashita, et al "Growth/Differentiation Factor-5 Induces Angiogenesis in Vivo", Experimental Cell Research 235, 218-226 (1997)					
	BG	Takashi Nakaoka et al, "Inhibition of Rat Vascular Smooth Muscle Proliferation in Vitro and In Vivo by Bone Morphogenetic Protein-2", Journal of Clinical Investigation 100, 2824-2832 (1997)					
	BH	Judah Folkman, "Angiogenic Therapy of the Human Heart", American Heart Association, Inc., 628-629, (1998)					
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP '609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							